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NASA Procedural Requirements

COMPLIANCE IS MANDATORY**NPR 2200.2C**

Effective Date: April 19, 2011

Expiration Date: July 19,
2016[Printable Format \(PDF\)](#)

Request Notification of Change (NASA Only)

Subject: Requirements for Documentation, Approval, and Dissemination of NASA Scientific and Technical Information (Updated w/change 2, 12/9/14)

Responsible Office: Office of the Chief Information Officer

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Chapter 4. Reviews and Approvals

4.1 Purpose

4.1.1 This chapter gives the review and approval requirements through which NASA ensures the quality and integrity of its scientific and technical information (STI), provides for its widest practicable and appropriate dissemination, and protects information (based on statute, regulation, or policy) which shall not be disseminated to various audiences.

4.2 Policy and Legal Requirements

4.2.1 The NASA STI program provides distribution of information produced by and for NASA to NASA, its contractors, grantees, partners, and the public. This function fulfills the mandate of Section 203(a) of the National Aeronautics and Space Act of 1958, which requires NASA to provide for the widest practicable and appropriate dissemination of information concerning its activities and the results thereof. Reinforcing this Space Act requirement, the Office of Management and Budget (OMB), in Circular A-130, Management of Federal Information Resources, establishes the clear policy that the Agency shall be responsible and is expected to disclose information to the public consistent with the Agency's mission.

4.2.2 All NASA STI not meeting any of the criteria for distribution limitations described herein shall be considered to be approved for public release.

4.2.3 Information approved for public release shall be made available by the NASA STI Support Services to any and all pertinent distribution channels, in keeping with the policy set forth in OMB Circular A-130.

4.2.4 Protection of Certain STI

4.2.4.1 Pursuant to law, certain types of information shall be protected from public disclosure. The Freedom of Information Act (FOIA) provides guidance regarding categories of information that are exempt from mandatory release under FOIA. Dissemination of information may also be restricted under other laws, regulations, or policy. NPR 1600.1 provides additional information.

4.2.4.2 As used in this NPR, restricted-access information means information whose publication or distribution is restricted by law, regulation, or policy. Restricted-access information includes national-security-classified information, export-controlled information, personal information subject to the Privacy Act, and proprietary information of the Government or others--such as Limited Rights Data and SBIR Data received under a contract, trade secret/confidential commercial information other than Limited Rights Data or SBIR Data, information developed under agreements and subject to Section 303(b) of the National Aeronautics and Space Act of 1958, as amended, copyrighted information, and documents disclosing inventions. Public access to restricted-access information shall be prohibited or restricted.

4.2.4.3 Unless a determination is made that public release of information shall be prohibited or restricted, NASA STI is made available to the public. In addition, certain types of information are further restricted from dissemination via NASA public Web sites (see NPR 2810.1 and [Appendix I](#)).

4.2.4.4 Any questions regarding whether or not certain types of information must be protected from public disclosure shall be referred to the NASA Headquarters or Center Patent or Intellectual Property Counsel, Export Control Administrator, Information Technology Security Officer, and Physical Security Officer. For information on handling documents that contain export-controlled or restricted-access information but which have subsequently been downgraded, see Section [2.6.9](#).

4.2.5 NASA STI shall be reviewed

4.2.5.1 Before NASA STI (including STI that has been received from NASA-funded contractors and grantees) may be published or otherwise disseminated external to NASA (or presented at internal meetings or conferences at which foreign persons may be present), it shall be reviewed to determine whether it contains information that has prohibited or restricted access. The NASA process, referred to as the Document Availability Authorization (DAA) review, is implemented via NASA Form (NF) 1676, NASA Scientific and Technical Information (STI) Document Availability Authorization (DAA).

4.2.5.2 The DAA review is intended to ensure that NASA does not inappropriately release information to which public access shall be prohibited or limited.

4.2.5.3 The DAA review is required whether publication is accomplished through printing, submission to external channels for publication through any media, or published electronically on systems accessible by persons or institutions outside of NASA. This review is also applicable to presentations that are to be made before professional audiences, whether or not the presentation is accompanied by written material.

4.2.5.4 Although NASA STI may be produced either directly by NASA or under NASA contracts, grants, and agreements, the DAA review process shall apply only to the publication and dissemination of NASA STI by NASA or for NASA.

4.2.5.5 This mandatory review shall also apply to such STI uploaded to public Web sites.

4.2.5.6 Unless otherwise specified in NASA contracts or grants, NASA shall not restrict its contractors and grantees from publishing NASA-funded information themselves.

4.2.5.7 In situations in which the contractor or grantee independently publishes STI, NASA is not considered to have published, disseminated, or presented the information, so the DAA review by NASA shall not be required.

4.2.5.8 Contractors or grantees, as required by U.S. laws and regulations, shall review their information and ensure that it fulfills the following requirements:

- a. Conforms with laws and regulations governing its distribution, including intellectual property rights, export control, national security, and other requirements.
- b. To the extent that the contractor or grantee is given access to data necessary for the performance of the contract or grant which contains restrictive markings, complies with such restrictive markings.
- c. NASA shall, on a voluntary basis if requested by the contractor or grantee, perform a DAA review of STI published or disseminated by contractors or grantees.

4.2.5.9 When a document is sent to STI Support Services without a DAA, it shall be restricted to NASA personnel only and not made publicly available.

4.3 Professional and Technical Reviews

4.3.1 Review Definitions

4.3.1.1 Professional reviews (also called editorial and content reviews) shall be performed by individuals or groups with technical knowledge or background tempered by interdisciplinary expertise in history, education, and program management.

- a. Such reviews shall assess the quality of the document content in terms of its readability, communication of information, and suitability for a particular audience without particular focus on content.
- b. Professional reviews shall be handled outside of the DAA process.
- c. When managers approve the DAA, they shall also certify that an appropriate professional review has been completed.
- d. Managers shall certify that the information is appropriate for the type of publication that is indicated on the DAA.

4.3.1.2 Technical reviews shall be performed by peers having expertise within the technical discipline of the activity or research being documented.

- a. Technical reviews shall assess the technical integrity and merit of the activity or research being performed and the results being documented without regard to the effectiveness of the document at communicating the information.
- b. Technical reviews shall be handled outside the DAA process.
- c. When managers approve the DAA, they shall certify that an appropriate technical review has been conducted and that the material is technically correct and appropriate for the dissemination ascertained by the DAA process.

4.3.2 Review Responsibilities

4.3.2.1 Professional and technical reviews shall be required to ensure that NASA STI conforms to NASA Headquarters and Center standards for professional reports and technical accuracy and meets data quality standards.

4.3.2.2 The NASA Officials-in-Charge (OICs) of Headquarters Offices and Directors of Centers shall ensure the appropriate review and approval of the content of NASA-sponsored STI resulting from work conducted under their authority for presentation or publication through any channels and in any media, including electronic dissemination.

4.3.2.3 The author, working in collaboration with his or her technical supervisor, the COTR, or GTO (for NASA STI originating from a NASA contract or grant), shall initially recommend the subject division and category for the STI Database for a NASA STI document or contractor or grantee report (see [Appendix K](#)).

4.3.3 NASA STI Report Series documents shall be reviewed according to the criteria in Section [4.3.3.1](#).

4.3.3.1 The officials mentioned in Section [4.3.2](#) shall ensure that the appropriate minimum review of NASA STI Report Series documents is completed, as indicated by the following levels of NASA STI Report Series professional and technical review requirements:

- a. Technical Publication (TP)--Technical review by committee of peers or expert single reviewer.
- b. Technical Memorandum (TM)--Review by technical management.
- c. Contractor Report (CR)--Review by NASA technical management or expert reviewer(s).
- d. Conference Publication (CP)--Review by technical management.
- e. Special Publication (SP)--Professional review controlled by originating Headquarters office or NASA Center.
- f. Technical Translation (TT)--No technical review; some printing authorization; permission to use copyrighted information shall be obtained.

4.3.3.2 Level of review shall be indicated on the back of the title page (see Section [2.11](#)).

4.3.4 Peer Review

4.3.4.1 NASA complies with Public Law (PL) 106-554, Section 515. As such, NASA shall accept and encourage technical review by qualified external reviewers or committees of external reviewers.

4.3.4.2 The Agency shall also accept technical review by qualified internal reviewers or committees of internal reviewers who are selected on the basis of technical expertise and who do not have (or have disclosed) prior situations or personal or funding issues that would affect their technical review.

4.3.4.3 Peer reviews shall be conducted in an open and rigorous manner.

4.3.4.4 Peer reviews shall ensure that the data are reliable, unbiased, accurate, complete, and have full documentation.

4.3.4.5 Peer reviews shall ensure that circumstances that could affect data quality are identified and disclosed.

4.4 Influential and Highly Influential Documents

4.4.1 If the document falls within the definitions of influential or highly influential information as specified by the OMB Section 515 Data Quality Guidelines, the requester shall follow the Agency established procedures for data quality re-reviews as specified by the Agency data quality manager (see <http://www.sti.nasa.gov/qualinfo.html>).

4.4.2 Appeal Process for NASA STI Documents

4.4.2.1 If a person does not agree with the decision regarding dissemination of a document, as established by the original DAA process at a Center, he or she shall appeal the decision by requesting a re-review of the document by Center management within 30 days of notification and notify the STI Program Office (via help@sti.nasa.gov).

4.4.2.2 This appeal process decision, if a person does not agree, shall be subsequently raised to the Agency Chief Information Officer.

4.4.2.3 The Agency Chief Information Officer shall involve the pertinent Center Program Manager, Center Director or designee, and Mission Directorate within 30 days of notification.

4.4.2.4 The Agency Chief Information Officer shall respond to the non-agreeing person within 30 days of involving the pertinent Center Program Manager, Center Director or designee, and Mission Directorate.

4.5 Document Availability Authorization (DAA)

4.5.1 The DAA process is based on statutory requirements for NASA and is coordinated with the Headquarters Offices of General Counsel, Office of International and Interagency Relations, Office of the Chief Information Officer, and Security and Program Protection. The responsibility held by the OICs of Headquarters offices is delegated to NASA Center Directors (with the exception of policy and standards information requiring review by the OIIR).

4.5.2 The DAA review is NASA's compliance review for the publication, dissemination, and presentation of NASA STI by or for NASA through any channel or media. The DAA review determines if STI needs to have restricted access, such as for export-controlled information, proprietary STI, and documents disclosing an invention. NASA STI may be subject to one or more of the restrictions described below. Documents containing restricted-access STI shall include notices applicable to all valid restrictions (see the exhibits in [Appendix I](#)) as well as one of the document distribution limitations listed in [Section 4.5.17](#), along with any appropriate expiration date, if appropriate.

4.5.3 Copying and disseminating of such documents shall be done in conformance with applicable notices.

4.5.4 A minimal DAA is defined as a NF-1676 that states there are no export control or intellectual property restrictions. A minimal DAA shall be signed by the NASA Export Control Administrator and the intellectual property attorney, at a minimum.

4.5.4.1 A minimal DAA shall be used for STI that is dated 1985 or older and is being sent to STI Support Services for the first time.

a. STI dated 1986 or newer shall use a full NF-1676.

b. A minimal DAA shall contain information as specified in [Appendix E.1.11](#).

4.5.5 This NPR does not set policy for National Security Review (NSR) information. The DAA review process is not used to review classified information. NASA Headquarters and Center originating offices are responsible for classified STI. Final security classification rests with NASA Headquarters' Office of Protective Services, and documents containing information subject to security classification are addressed in NPR 1600.1 and NPR 2810.1. NASA Headquarters and Center originating offices, in conjunction with Headquarters and Center Export Administrators, are also specifically responsible for the review and approval of policy and plans for the intended release of NASA technical and programmatic information to a NASA international partner. The NASA Headquarters and Center originating offices also are responsible for ensuring appropriate review and approval of all material intended for publication, dissemination, and presentation when such material contains information pertaining to the Department of Defense (DOD) (e.g., aeronautics programs, space launches, or space operations) regardless of the source of the materials. The DOD Office of Security Review shall be contacted for review of NASA documents that have DOD equities, and the Headquarters OIIR can facilitate this review.

4.5.6 Export Control Reviews

4.5.6.1 Export control limitations are applied to information subject to:

a. 22 United States Code (U.S.C.) 2778 et seq., Arms Export Control Act.

b. Public Law (PL) 96-72 Stat. 503, 50 U.S.C. app. 2401 et seq., Export Administration Act of 1979.

c. 22 Code of Federal Regulations (C.F.R) Parts 120-130, International Traffic in Arms Regulations (ITAR).

d. 15 C.F.R Parts 730-774, Export Administration Regulations (EAR).

4.5.6.2 These regulations establish lists or categories of technical data subject to export control that may not be exported or disclosed to foreign persons without proper authority. The term exported includes providing information or making information available to a foreign person (including a U.S. citizen representing a foreign person if that individual intends to provide the information to a foreign person) either within the United States or abroad. STI information shall not be placed on the open Internet without export-control review.

4.5.6.3 The export control review shall be required to ensure that NASA STI Report Series documents; conference, meeting, and symposia presentations; abstracts; and external publications containing information subject to control under pertinent U.S. export laws or regulations are suitably protected.

4.5.6.4 Each such report, presentation, abstract, or publication shall be reviewed and approved by or in conjunction with the Headquarters or Center Export Administrator prior to the dissemination, in any media, to audiences that may include foreign persons. Examples follow:

- a. Presentations at internal meetings at which foreign persons are likely to attend.
- b. Presentation at open meetings in the United States that may include foreign persons.
- c. Presentations at meetings held in foreign countries.
- d. Publications intended for public dissemination or distribution.
- e. Unrestricted electronic releases over the Internet.

4.5.6.5 The abstract, complete report, and presentation shall be approved prior to release.

4.5.6.6 Under certain conditions, officials overseeing specific contracts or projects shall, on a case-by-case basis, be granted limited delegations of authority to approve publications when the contracts or projects are restricted to topics exempt from export controls. These limited delegations are coordinated through the NASA OIIR and the cognizant NASA Headquarters mission directorate.

4.5.7 Sensitive But Unclassified (SBU) Information

4.5.7.1 Guidelines for determining and marking administratively controlled information (sometimes referred to as For Official Use Only (FOUO) information, Administratively Controlled Information (ACI) or Controlled Unclassified Information (CUI)) are given in chapter 5 of NPR 1600.1 and via NF-1686. For more information about this category of information, contact the NASA Headquarters Office of Chief Information Officer. NASA STI restricted under ITAR, EAR, SBIR, trade secret/commercial confidential or subject to Section 303(b) of the National Aeronautics and Space Act is considered to be SBU and shall be marked with the appropriate notice (ITAR, EAR, SBIR, etc.) on the cover, title page, and Standard Form (SF) 298, RDP, and the appropriate restriction on each inside page on which the SBU information is displayed.

4.5.7.2 NASA STI that is marked as export controlled under the ITAR or EAR is not automatically SBU.

4.5.7.3 The cognizant designating official makes the SBU determination. See NASA Interim Directive NM-1600-55 for the definition of designating official.

4.5.7.4 NASA STI restricted from public Web sites is not considered to be SBU unless it also falls under another restriction.

4.5.8 ITAR documents follow 22 C.F.R Parts 120-130.

4.5.8.1 The ITAR implements the Arms Export Control Act and contains the United States Munitions List (USML). The USML identifies articles, services, and related Technical Data that are designated as "Defense Articles" and "Defense Services," pursuant to Sections 38 and 47(7) of the Arms Export Control Act. The ITAR is administered by the U.S. Department of State. Technical Data, as defined in the ITAR, do not include information concerning general scientific, mathematical, or engineering principles commonly taught in schools, colleges, and universities or information in the public domain (as that term is defined in 22 C.F.R 120.11). It also does not include basic marketing information on function and purpose or general system descriptions. For purposes of the ITAR, the following definitions apply:

a. A "Defense Article" (as defined in 22 C.F.R 120.6) is any item or Technical Data on the USML (22 C.F.R 121.1). The term includes Technical Data recorded or stored in any physical form, models, mockups, or other items that reveal Technical Data directly relating to items designated in the USML. Examples of Defense Articles included on the USML are:

(1) Launch vehicles, including their specifically designed or modified components, parts, accessories, attachments, and associated equipment.

(2) Remote-sensing satellite systems, including ground control stations for telemetry, tracking, and control of such satellites, as well as passive ground stations if such stations employ any cryptographic items controlled on the USML or if they employ any uplink command capability, all components, parts, accessories, attachments, and associated equipment (including ground support equipment) that is specifically designed, modified, or configured for such systems. (See 22 C.F.R 121.1 for the complete listing.).

(3) Technical Data (as defined in 22 C.F.R 120.10) is information that is required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance, or modification of Defense Articles. This includes information in the form of blueprints, drawings, photographs, plans, instructions, and documentation.

(4) Classified information relating to Defense Articles and Defense Services.

(5) Information covered by an invention secrecy order (35 U.S.C. 181 et seq., Patent Rights in Inventions Made With

Federal Assistance; 35 C.F.R Part 5).

(6) Software directly related to Defense Articles, including, but not limited to, system functional design, logic flow algorithms, application programs, operating systems, and support software for design, implementation, test, operations, diagnosis, and repair.

4.5.8.2 If NASA STI contains Technical Data concerning Defense Articles as defined above, it is restricted by ITAR, and all copies shall bear the ITAR Notice shown in Exhibit I.1 in [Appendix I](#). Release or distribution of the same information by NASA contractors is subject to the same notice.

4.5.8.3 The restriction notice shall appear on the cover, title page, and SF-298 (RDP).

4.5.8.4 Each page that contains ITAR information shall be marked ITAR at the top and bottom.

4.5.9 Export Administration Regulations (EAR; 15 C.F.R Parts 730-774):

4.5.9.1 The EAR implements the Export Administration Act and contains the Commerce Control List (CCL). The CCL lists dual-use commodities, technology, and software subject to the export control authority of the U.S. Department of Commerce. The items on this list are export controlled for reasons of national security, foreign policy, proliferation, and/or short supply. These regulations are administered by the U.S. Department of Commerce. Dual use is used to distinguish EAR-controlled items that can be used both in military and other strategic uses and in civil applications from items covered by the ITAR, the Department of Energy, or the Nuclear Regulatory Commission. Information subject to EAR export restrictions includes specific technology identified in the CCL (15 C.F.R 774). CCL definitions follow:

a. Technology (Supplement 2 to 15 C.F.R 774) is specific information necessary for the development, production, or use of a product on the CCL. The information may be in the form of Technical Data or technical assistance.

b. Technical Data may take forms such as blueprints, plans, diagrams, models, formulas, tables, engineering designs and specifications, manuals, and instructions written or recorded on other media or devices such as disk, tape, or read-only memories.

c. Software is a collection of one or more computer or microcomputer programs fixed in any tangible medium of expression.

d. Development information is specific information necessary for any stages prior to serial production--such as design, design research, design analyses, design concepts, assembly and testing of prototypes, pilot production schemes, design data, process of transforming design data into a product, configuration design, integration design, and integration design layouts.

e. Production Information is specific information necessary on any production stages--such as product engineering, manufacture, integration, assembly (mounting), inspection, testing, and quality assurance.

f. Use Information is specific information necessary for operation, installation (including onsite installation), maintenance (checking), repair, overhaul, and refurbishment.

g. Examples of information not subject to export control under the EAR include the following:

(1) Information that is publicly available via literature, library, patent, or seminar.

(2) Fundamental, basic, and applied research in which the resulting information is ordinarily published and shared broadly within the scientific community, as well as university-based, corporate, or Federally Funded Research and Development Center (FFRDC)-based research that has no restrictions on publication of the resulting information.

(3) Educational information taught in a college catalog course.

(4) Information contained in patent applications that are not subject to 37 C.F.R Part 5 secrecy orders.

(5) Basic marketing information on function or purpose or general system descriptions that the producer would make available to its closest competitors at no more than the cost of reproduction.

4.5.9.2 If NASA STI contains "Technology" controlled by EAR, all copies of the cover, title page, and SF-298 (RDP) shall bear the EAR Notice shown in Exhibit I.2 in [Appendix I](#).

4.5.9.3 Each page that contains EAR information shall be marked EAR at the top and bottom. Release or distribution of the same information by NASA contractors is subject to the same notice.

4.5.10 Programs and projects that are determined by the Center or Agency export control administrators to be wholly fundamental research can be expedited via NF-1676 using the Blanket Availability Authorization. Additional information for determining fundamental research will be found in NASA Fundamental Research Designation Guidelines (NPR 2190.2, Appendix D, which is under way) by the NASA Export Control Administrator. A copy of the documentation that designates a program or project as fundamental research shall be forwarded to the Center's STI program (STI Manager).

4.5.10.1 In addition, NASA STI from these programs or projects designated as fundamental research shall be sent through the Center's STI process via the NF-1676, with the blanket authorization checked, and with signature approval by the master original blanket authorization's approver, prior to release or providing access to it to foreign persons.

4.5.10.2 STI not designated as fundamental research shall be handled in accordance with NPR 2200.2 and requires full DAA review, including an export control review by the appropriate NASA Export Control Official before such information is released.

4.5.11 Proprietary and sensitive STI shall be protected.

4.5.11.1 Proprietary information refers to information that is owned by someone. The owner has proprietary rights (i.e., a legal property right) in the information that allows the owner to exclude others from using, selling, reproducing, displaying, or distributing the information. As defined in NPR 1600.1, sensitive information is information determined to have special protection requirements to preclude unauthorized disclosure, to avoid compromises, risks to facilities, projects or programs, threat to the security and/or safety of the source of information, or to meet access restrictions established by laws, directives, or regulations.

4.5.11.2 For the purposes of the DAA review and this NPR, proprietary STI is STI that contains Limited Rights Data received under a contract, SBIR Data received under a SBIR contract, trade secret/confidential commercial information other than Limited Rights Data or SBIR Data, data subject to Section 303(b) of the Space Act (as amended), copyrighted information, and information disclosing inventions. In addition, STI may include sensitive information that is unclassified but must be restricted from the Web on the basis of NPR 2810.1. It shall include the notice shown in Exhibit I.3 in [Appendix I](#).

4.5.12 Limited Rights Data

4.5.12.1 Limited Rights Data are data developed at private expense that are delivered to the Government under a Government contract and that embodies trade secrets or are commercial or financial and confidential or privileged or that pertain to items, components, or processes developed at private expense. Information that constitutes Limited Rights Data shall be marked with a Limited Rights Notice in accordance with Federal Acquisition Regulations (FAR) clause 52.227-14 when delivered to the Government. If such data are not marked with the Limited Rights Notice, the Government has no obligation to withhold the data from public release.

4.5.12.2 Any questions regarding what constitutes Limited Rights Data, or regarding its marking, use, or dissemination, shall be referred to the NASA Headquarters' or the Center Patent or Intellectual Property Counsel.

4.5.12.3 Documents containing Limited Rights Data shall bear the Limited Rights Notice shown in Exhibit I.4 in [Appendix I](#) and one of the document distribution limitations listed in Section [4.5.17](#).

4.5.12.4 Copying and disseminating of such documents shall be done in conformance with this notice.

4.5.12.5 Any questions regarding appropriate markings or legends and applicable document distribution limitations shall be referred to the NASA Headquarters or Center's Patent or Intellectual Property Counsel.

4.5.13 SBIR data shall be protected.

4.5.13.1 SBIR data are data first produced by an SBIR contractor which are not generally known, have not, without obligation as to their confidentiality, been made available to others by the contractor, or are not already available to the Government. Data developed under an SBIR contract, if marked with the SBIR rights notice specified in the contract, shall be withheld from public release in accordance with the SBIR contract, usually for four years. If such data are not marked with the SBIR rights notice, the Government has no obligation to withhold the data from public release.

4.5.13.2 Any questions regarding what constitutes SBIR data, or regarding their marking, use, or dissemination, shall be referred to the NASA Headquarters' or the Center Patent or Intellectual Property Counsel.

4.5.13.3 To provide a commercialization incentive to SBIR contractors, it is NASA's policy to restrict all SBIR program reports from public disclosure for the period specified in the contract for SBIR Data unless the contractor has granted permission to publicly release the report sooner. If a letter of permission from the contractor is on file, SBIR program reports may be made publicly available immediately.

4.5.13.4 Restricted SBIR program documents shall bear the SBIR Rights Notice shown in Exhibit I.5 in [Appendix I](#) and one of the document distribution limitations listed in Section [4.5.17.1](#), along with the appropriate expiration date.

4.5.13.5 Copying and disseminating of such documents shall be done in conformance with this notice.

4.5.13.6 Any questions regarding appropriate markings or legends and applicable document distribution limitations shall be referred to the NASA Headquarters' or the Center's Patent or Intellectual Property Counsel.

4.5.14 Trade Secret/Confidential Commercial Information

4.5.14.1 Under certain limited circumstances, NASA employees may be provided access to third-party trade secret or confidential commercial information other than Limited Rights Data or SBIR Data for inclusion in NASA STI. A "trade secret" is information that is used in a business, is secret, or gives a competitive advantage to the person with knowledge of it. The party delivering such information shall include a proprietary notice that indicates the restricted nature of the information when delivered to the Government. If such information is properly marked by the originator, NASA agrees to handle the information in accordance with the markings. When NASA STI containing trade secret or confidential commercial information is published or otherwise disseminated by or for NASA, the cognizant program or project office is responsible for ensuring that such data are properly identified and marked to indicate restricted dissemination.

4.5.14.2 Any questions regarding what constitutes trade secret or confidential commercial information, or regarding its marking, use, or dissemination, shall be referred to the NASA Headquarters' or the Center Patent or Intellectual Property Counsel.

4.5.14.3 If NASA STI is restricted because of trade secret or confidential commercial information other than Limited Rights Data or SBIR Data, all distributed copies shall contain the marking or legend supplied by the originator of the information and, if applicable, one of the document distribution limitations listed in Section 4.5.17.

4.5.14.4 In accordance with NPR 5800.1, Section D (see Rights in data clause at 14 C.F.R 1274.905), in limited circumstances, information first produced by a recipient under a cooperative agreement with a commercial firm may be marked as trade secret/commercial confidential information and its use limited for up to five years. In such cases, an appropriate expiration date of the limitation shall be included.

4.5.14.5 Copying and dissemination of marked information shall be consistent with its markings or legends and any applicable document distribution limitations.

4.5.14.6 Any questions regarding appropriate markings or legends and applicable document distribution limitations shall be referred to the NASA Headquarters' or the Center's Patent or Intellectual Property Counsel.

4.5.15 Information Subject to Section 303(b) of the Space Act

4.5.15.1 Under certain limited circumstances, NASA employees may produce technical information that may be treated as trade secret information. Section 303(b) of the Space Act, as amended, provides that information or data produced by NASA employees in carrying out NASA's participation in an agreement entered into under the Space Act may be protected for a period of up to five years if such information would constitute a trade secret or confidential commercial information if it had been produced by the non-Government party. This provision is generally applicable to agreements that have the objective of developing commercial products or processes. Such data shall be properly marked by the cognizant NASA project office. NASA agrees to protect the data for the period of time established in the agreement between NASA and the other party, up to five years.

4.5.15.2 If NASA STI is restricted because of information subject to Section 303(b) of the Space Act, all distributed copies shall contain one of the document distribution limitations listed in Section 4.5.17 and Appendix I along with the appropriate expiration date of the limitation.

4.5.15.3 Copying and dissemination of marked information shall be consistent with its markings or legends and any applicable document distribution limitations.

4.5.15.4 Any questions regarding appropriate markings or legends and applicable document distribution limitations shall be referred to the NASA Headquarters' or the Center's Patent or Intellectual Property Counsel.

4.5.16 Copyright

4.5.16.1 A copyright owner is the owner of the exclusive rights comprised in a copyright. A copyright provides the copyright owner the exclusive right to--or authorize others to--reproduce the copyrighted work, prepare derivative works based on the copyrighted work, distribute copies of the copyrighted work to the public, perform the copyrighted work publicly, and display the copyrighted work publicly. Others are restricted from exercising the exclusive rights reserved to the copyright owner without the copyright owner's permission. (See also Appendix D.6.)

4.5.16.2 Contracts, grants, and agreements often permit the contractor, grantee, or recipient to assert copyright in reports and other publications first produced in the performance of the specified activity (e.g., works containing or based on data first produced under a NASA contract, grant, or agreement) and published in academic, technical or professional journals, symposia proceedings, or similar works. In order for a contractor to assert copyright in a document, the contract, grant, or agreement shall contain specific language that grants copyright permission to the contractor.

4.5.16.3 When copyright is asserted, the contractor or grantee shall include a copyright notice and acknowledgment of Government sponsorship (including contract or grant number) of the work when it is published. Ordinarily, the Government receives a government purpose license (also called Federal purpose license) in the copyrighted work. The cognizant program or project office provides written notification to the responsible Center Technical

Publications Office of instances in which documents containing a copyright notice are provided without a license authorizing public distribution.

4.5.16.4 Under most contracts, grants, and agreements, a Government purpose license includes the right to use, modify, reproduce, release copies to the public, perform publicly, and display publicly a copyrighted work or authorize others to do so for governmental purpose. Under a Government purpose license, the Government may use the work within the Government without restriction and may release or disclose the work outside the Government for Government purposes. Under Section 203 of the Space Act, it is a governmental purpose to provide for the widest practicable and appropriate dissemination of information concerning NASA's activities and their results. Thus, public distribution of the results of work funded by NASA is a governmental purpose. However, although NASA may publicly release copyrighted works in which it has a Government purpose license, these works are still protected by copyright, and recipients of the works shall comply with the copyright law: for example, they may not further copy or distribute the copyrighted work without permission of the copyright owner.

4.5.16.5 Documents produced by Government employees in the performance of official duties are not subject to copyright protection in the United States. However, the U.S. Government may obtain copyright protection in other countries depending on the treatment of government works by the national copyright law of the particular country. For additional information, contact the NASA Headquarters' or the Center's Patent or Intellectual Property Counsel. (See also CENDI, the Federal STI Managers Group, at <http://www.cendi.gov>, especially their "Frequently Asked Questions About Copyright," at <http://www.cendi.gov/publications/04-8copyright.html>.)

4.5.16.6 If NASA STI is restricted because of copyrighted content, all distributed copies shall bear the appropriate notice for copyrighted information shown in [Appendix I](#). Release or distribution of the same information by NASA contractors is subject to the same notice.

4.5.17 Document Distribution Limitations

4.5.17.1 Document distribution limitations determined during the DAA review and indicated on the NF-1676 follow:

- a. U.S. Government Agencies and U.S. Government Agency Contractors Only
- b. NASA Contractors and U.S. Government Agencies Only
- c. U.S. Government Agencies Only
- d. NASA Personnel and NASA Contractors Only
- e. NASA Personnel Only
- f. Available Only With Approval of Issuing Office (Program Office or NASA Center)

4.5.17.2 When STI is no longer subject to restriction (or following the date cited in Limited until...), the cognizant NASA Center (program officials and Export Control Administrators or Patent or Intellectual Property Counsel, as appropriate) shall re-mark the STI and provide NASA STI Support Services with a copy of the new or modified DAA through the Center's Technical Publications Office or STI Manager. Because NASA STI Support Services is a contractor facility, it is not approved to change or alter authorization categories.

4.5.18 Prior to loading a NASA document to a public Web site, refer to NPR 2810.1. If restrictions apply according to this document, authors and approvers shall use the Exhibit I.3 restriction in [Appendix I](#).

4.5.19 Documents Disclosing Inventions

4.5.19.1 Information that is otherwise approved for public release may be withheld if it discloses an invention. The publication of information disclosing an invention by any party before the filing of a patent application may create a bar to a valid patent. Accordingly, under 35 U.S.C. 205 and implementing regulations, agencies are to withhold from release to the public documents that contain information about an invention in which the Government owns or may own a right, title, or interest (including a nonexclusive license). This applies to inventions made and reported by NASA employees, contractors, and grantees. Release is delayed in order for a patent application to be filed or, if a decision not to file is made, until release is approved by the NASA Headquarters' or the Center's Patent or Intellectual Property Counsel.

4.5.19.2 When NASA STI discloses an invention, the invention shall also be formally disclosed to NASA via the NASA Electronic New Technology Reporting Web site, eNTRe, at <http://invention.nasa.gov>, or on NF-1679, Disclosure of Invention and New Technology, also available at the eNTRe Web site.

4.5.19.3 The party making and disclosing or reporting the invention shall be responsible for notifying the Agency as to the nature of the information and the invention to which it relates.

4.5.19.4 In the case of reports submitted under contract or grant, notification shall be made to the Contracting Officer or Grant Officer, the designated Patent Representative, and the STI Manager.

4.5.19.5 In the case of NASA-prepared documents, notification shall be made to the Project Officer, the Center

Patent or Intellectual Property Counsel, and the STI Manager.

4.5.19.6 Regardless of the availability category and any blanket availability authorization that may have been granted, all documents that disclose an invention (except security-classified documents that disclose an invention) for which notification has been made shall be withheld by the originating office, with notice to the Center Technical Publications Manager, until the patent applications process is complete (that is, an application is filed with the U.S. Patent and Trademark Office or a decision not to file an application is made and release is approved by the Center Patent or Intellectual Property Counsel).

4.5.19.7 Such withholding does not require NASA Program Office approval. Security-classified documents that disclose an invention shall be withheld until approved for release under applicable security guidelines.

4.5.20 Use of restrictions other than those specified in this chapter shall receive prior approval by the Headquarters Office of General Counsel.

4.5.21 Requests for use of nonstandard restrictions shall include the following information:

4.5.21.1 Clear statement of who can and cannot receive the document

4.5.21.2 Time limit for the restriction

4.5.21.3 Reason for the restriction

4.5.21.4 Copy of the legal citation on which the proposed restriction is based

4.5.22 Documentation of DAA Review and Approval

4.5.22.1 Approvals shall be documented on NF-1676 or the Center-specific implementation of this form.

4.5.22.2 The DAA also documents which restrictions, if any, shall be applied to the distribution of the publication or presentation. Individuals originating STI in any form may consult with the NASA Headquarters' or the Center's DAA representative and, as appropriate, the Headquarters' or Center's Export Administrator--who can explain the availability categories and authorization requirements--and with their NASA Program or Project Manager, COTR, and Contract Technical Monitor, as applicable.

4.5.22.3 Copies of NF-1676 are available from the Center or Headquarters Forms Manager and are also accessible via the NASA Forms Web site (<http://nef.nasa.gov/>) and from the NASA STI program home page (<http://www.sti.nasa.gov/>) by selecting For Authors, Publish STI, Get Reviews and Approvals, DAA (Document Availability Authorization). Use of the form in other media and in other formats is permitted as long as the data elements contained on NF-1676 are retained.

4.5.23 The Agency has developed and is instituting a new Agency electronic NF-1676 (E-NF-1676), which is being rolled out Center by Center as resources allow. No Centers shall develop or institute their own automated system other than those previously in existence as of the date of this NPR (i.e., Langley, Stennis, and Johnson). After all other Centers have been converted to this Agency system, these three Centers will be phased to the E-NF-1676.

4.6 Special Concerns

4.6.1 Grants and Cooperative Agreements

4.6.1.1 In accordance with NPR 5800.1, the widest practicable dissemination shall be made of results of a NASA grant or cooperative agreement, subject to the restrictions in Section [4.4.2.4](#).

4.6.1.2 If the results of a NASA grant or cooperative agreement are published as a CR, they shall meet the requirements for CRs specified in Section [4.6](#).

4.6.1.3 The DAA review of grant reports published in the NASA STI Report Series shall be initiated by the Grant Technical Officer (GTO) or by the applicable Headquarters program office. For grants that are subject to restrictions, see also Sections [4.2.5](#), [4.5.16](#), [4.5.20](#), and [5.2](#).

4.6.1.4 Grant reports that NASA elects to publish or release require a DAA review and approval prior to release by NASA:

- a. Grant reports that the grantee releases or publishes on behalf of NASA require a DAA review.
- b. Grant reports that a grantee publishes or releases on their own behalf, even if it is sponsored by NASA, do not need a DAA review and approval, unless their grant specifically requires NASA review and approval prior to release.

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